

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

CARL McINTOSH,)	
)	
Plaintiff,)	
vs.)	No. 1:06-cv-1700-DFH-WTL
)	
R. V. VEACH, et al.,)	
)	
Defendants.)	

Entry Directing Filing of Second Amended Complaint

On October 18, 2007, the court instructed the plaintiff to file a second amended complaint in conformance with the court's instructions in the Entry of September 18, 2007. Dkt 23, 26. This was to be filed by November 9, 2007. Instead of complying with these directions, the plaintiff filed a notice that he "does not want to replace the original complaint and its supplement[s]," but seeks to add or replace the names of certain defendants, and asks that service be issued to these defendants "and the others." Dkt. 27. This position improperly overlooks or disregards the directions issued in the court's October 18, 2007, Entry, and the fact that as currently constructed the plaintiff's complaint¹ fails to comply with Rules 8, 10, and 18 of the *Federal Rules of Civil Procedure*. Because the plaintiff's complaint fails to conform to these rules, it must be amended.

The plaintiff shall have an opportunity to remedy these deficiencies, and shall have **through December 19, 2007**, in which to do so. He shall do so through the filing of a **second amended complaint** which conforms to the following guidelines:

1. The second amended complaint shall be a single document, in which all claims against all intended defendants are asserted. It shall **entirely replace** all prior complaints and supplements and be labeled as the second amended complaint.

2. If the plaintiff asserts claims against more than one defendant in the second amended complaint, it must be evident that the "defendants he name[s] participated in the same transaction or series of transactions or that a question of fact is 'common to all defendants.'" *George v. Smith*, 2007 WL 3307028, at *2 (7th Cir. 2007). "Unrelated claims against different defendants belong in different suits. . . ." *Id.* at *1.

¹ The plaintiff's complaint currently consists of his original 48-page complaint which he sought to amend through various supplements and submissions. See Dkt.s 13, 14, 17, 19, 20, 21.

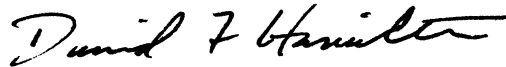
3. The form of the second amended complaint shall be as prescribed in paragraph Part I of the Entry issued on September 18, 2007. That is, the second amended complaint shall comply with the requirements of Rule 8(a)(2) of the *Federal Rules of Civil Procedure* that: (a) pleadings contain "a short and plain statement of the claim showing that the pleader is entitled to relief. . . ."; (b) the allegations in a complaint be made in numbered paragraphs, each of which should recite, as far as practicable, only a single set of circumstances; (c) the second amended complaint is to identify what legal injury he claims to have suffered and what persons are responsible for each such legal injury; and (d) the second amended complaint shall contain a clear statement of the relief which is sought.

4. When the second amended complaint is filed, it shall be subject to the screening required by 28 U.S.C. § 1915A. After this step has been completed, the court will issue whatever further order is warranted. Process will then be issued to any defendant against whom a viable claim is stated and who has not then appeared in the action.

5. If the plaintiff seeks to pursue claims which were originally intended for inclusion in this suit, but which have now been rejected as unrelated based on *George*, he may file a new lawsuit in an appropriate forum asserting such unrelated claims.

6. A copy of the original complaint (dkt. 1) and a copy of the docket sheet shall be included with the plaintiff's copy of this Entry.

So ordered.



DAVID F. HAMILTON, Judge
United States District Court

Date: 12/11/2007

Distribution:

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